

HOUSE OF ASSEMBLY.

Tuesday, September 1, 1959.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

QUESTIONS.**CONCESSION FARES FOR ELDERLY PERSONS.**

Mr. O'HALLORAN—It has been brought to my notice that certain people, because they have fixed investments amounting to more than the £2,250 allowed by the means test applied by the Commonwealth Government to pensioners, are precluded from receiving a pension but, because of the low rate of interest for investment, for instance on Government bonds, these people have a low annual income and are in a much worse position than many pensioners. It has been suggested to me that some provision be made for this type of person to participate in the concession granted to pensioners using public transport. Will the Treasurer have the matter investigated as soon as practicable?

The Hon. Sir THOMAS PLAYFORD—The Leader will remember that he introduced the deputation from which the new change in procedure arose. In answer to that deputation I pointed out on that day that no doubt a number of people who were not actually pensioners under the Social Services Act of the Commonwealth were financially no better off than pensioners. It would be an impossible task, however, for the public transport system to investigate the private affairs of every applicant—in fact, we have no machinery to do it—and under those circumstances it would not be possible to undertake that obligation. One side of this matter that I think the Leader has overlooked is that a person may have a considerable income before being debarred from receiving a pension. It has to be a considerable amount—I think over the basic wage—before he is debarred from receiving a pension. The answer to the Leader's question is that it is not practicable, from an administrative point of view.

GAWLER HIGH SCHOOL.

Mr. CLARK—When visiting the Gawler High School a few days ago I was deeply concerned to find that, although continual representations had been made over the last few years by both the high school council and myself, there were still only seven lavatory cubicles at this school, four for girls and three for boys, for about 600 students.

Obviously, that is not satisfactory. Will the Minister of Education have this matter investigated and regard it as urgent?

The Hon. B. PATTINSON—I shall be pleased to do so.

COMBATING PHYLLOXERA.

Mr. KING—Has the Minister of Agriculture recently noticed a report in the *Advertiser* that radio-active cobalt has been successfully used in combating the vine disease known as *Phylloxera*, and will he draw the attention of his officers and of the Chairman of the Phylloxera Board to this report?

The Hon. D. N. BROOKMAN—Yes, and I will give the honourable member any comment from the Phylloxera Board.

FINDON AND SALISBURY HIGH SCHOOLS.

Mr. FRANK WALSH—Has the Minister of Works a reply to a question I asked recently concerning inspections of certain high schools?

The Hon. G. G. PEARSON—I have obtained a report from the Architect-in-Chief which reads:—

A final inspection has just been completed of the Findon high school and the contractor advised yesterday of corrections to be made. In connection with both Findon and Salisbury high schools there is a number of items where the normal negotiations are proceeding with respect to the value of variations. There is at this stage only one real dispute, which applies to both schools and this matter also is at present under discussion with the contractor.

PORT AUGUSTA HOSPITAL LIGHTING.

Mr. RICHES—My question is directed to the Minister representing the Chief Secretary. For some time, I think three years, the board of management of the Port Augusta Government Hospital has been asking that an auxiliary power and lighting plant be installed in case of power failures. There have been several power failures this year and the hospital has been seriously inconvenienced as a result. The board of management has asked whether some reply could be given to the request and some action taken to make sure that no life is endangered as a result of further delay.

The Hon. Sir THOMAS PLAYFORD—Yes.

CEMENT ROADS.

Mr. LAUCKE—Having in mind that cement is produced locally from local raw materials, giving first class employment in country districts, I have noted with pleasure and interest that huge amounts of cement have been used on the new sections of the Main North Road. I stress that cement does not cost the national

economy one penny of overseas funds whereas bitumen is a component of a petroleum account of some £140,000,000 a year. Would the Minister of Works ascertain from the Minister of Roads the costs of cement road construction and ask whether those costs are such as to enable cement to be used generally in road construction in South Australia.

The Hon. G. G. PEARSON—I will refer the question to my colleague. Cement has been and is used largely in the stabilization of the subsurface of new arterial roads. I think that last year I obtained a report for a member on this matter, particularly as it related to the Lincoln Highway. It is a question of economics on site. I say that advisedly, because in certain localities the orthodox method of construction with stone or other solid consolidation may have been difficult because of lack of stone available close by and it has been economic to cart cement to the site for use in the cement stabilization method, which has been used over considerable lengths of roadway in some parts of the State. In other places, due to soil conditions, which have not been conducive to the use of cement, bitumen is used for spraying into the stabilization mixture. I think I am correct in saying that it is a question of the economics of each section of the road on the particular site and in the circumstances under which it has been constructed. I will refer the question to my colleague and perhaps some figures can be produced to give a more accurate summary of the position.

BOOK SALES.

Mr. LOVEDAY—I have had referred to me a case of another sale of the *Australian Junior Encyclopaedia*. The person concerned alleges misrepresentation and has returned the books to the company. The Minister of Education said he would refer the matter to the Crown Solicitor. In this case immediate legal proceedings are being threatened to the person who signed the contract. Can the Minister say whether the Crown Solicitor has been able to suggest any means of protection for a person in these circumstances?

The Hon. B. PATTINSON—No, not at the present time. He has been somewhat busily engaged elsewhere, but we are preparing quite a dossier for him. We are getting an infinite variety of complaints from persons in various parts of the metropolitan area and in country areas. The general manager of the company has written asking for an appointment, and I

hope to see him either this week or next. I also hope to have a comprehensive report for the House soon.

THIRD PARTY INSURANCE.

Mr. HAMBOUR—Last year I was approached by a prospector who sought to have his third party insurance brought into line with primary producers' third party insurance. I discussed this question with the chairman of the committee that fixes third party fees, Sir Edgar Bean, who told me he would put the proposal to the committee as he thought it had some justice. I have recently received a letter from the prospector saying that, instead of receiving a reduction, his fee has been increased by £5 5s., bringing it into line with ordinary third party insurance on country motor trucks. Will the Premier ask the committee to reconsider the schedule which does not include prospectors' vehicles, with a view to providing a special or separate premium for prospectors' vehicles?

The Hon. Sir THOMAS PLAYFORD—Yes.

MOORAK SCHOOL.

Mr. CORCORAN—Some time ago I received a letter from the secretary of the Moorak school committee complaining about the existing sanitary conditions at the school. I forwarded that letter to the Minister of Education asking him to have this matter investigated and to make a decision on any report he received. Has he any information relative to this matter?

The Hon. B. PATTINSON—A request to provide the necessary sanitation was made to the Architect-in-Chief, and the building inspector of that department is in the South-East at present investigating that and other matters, and I hope he will make a report soon.

B27 LAWN GRASS.

Mr. SHANNON—In the United States a new ornamental or lawn grass, known as B27, reputed to possess outstanding qualities in keeping green throughout the entire growing period of the year, has been developed. Can the Minister of Agriculture say whether this grass can be imported into South Australia, bearing in mind that experience has shown that some of our problems have arisen from the importation of similar grasses?

The Hon. D. N. BROOKMAN—I will get a report.

MYPOLONGA WATER SUPPLY.

Mr. BYWATERS—Last week I asked the Minister of Lands whether he had a report on the domestic water supply for Mypolonga

and whether it would be possible for one of his officers to go there and discuss the position with settlers. Has he anything further to report?

The Hon. C. S. HINCKS—I have discussed this matter with the Director of Lands and I hope next week to send an officer to discuss it with local residents.

KONGORONG SCHOOL.

Mr. CORCORAN—Some time ago the Minister of Works was approached regarding the repair of the damage caused at the Kongorong school by the devastating bush fires of last January, and a sum was allocated for re-fencing, the replanting of trees, and an additional water supply. The chairman of the school committee has sent me a telegram saying that the committee is growing impatient because a start has not been made. I am not critical of the department because I know it has so much in hand it cannot do everything at once and as far as I know the damage is not having a retarding effect on the school or the children. However, I understand the Minister has some information which may be of interest to the school committee, which is eager to see a start on this work and the rehabilitation of the whole area.

The Hon. G. G. PEARSON—The honourable member has been very fair in presenting his question, and I appreciate that. I have taken a personal interest in this matter which was raised not only by members in this House but by members in another place who represent that part of the State. I have done everything possible to expedite this matter. The District Inspector of the Architect-in-Chief's department has sought quotations for the removal of the burnt trees and for fencing. These offers were received today and will be dealt with within the next day or two. The question of the school water supply has been considered, and although it is somewhat urgent in respect of supplies during the summer period there has been no cessation of water yet. Nevertheless, a tender has been accepted for the work needed on the school water supply.

DIESEL FUEL ADDITIVES.

Mr. O'HALLORAN (on notice)—

1. What additives are made to diesel fuel?
2. Are these additives, or the fuel, or the products of combustion in any way dangerous to human life or property?
3. If such danger exists, will regulations be enacted to prohibit the use of such materials in a manner likely to cause danger?

The Hon. Sir THOMAS PLAYFORD—The Secretary of Labour and Industry reports:—

1. The Inflammable Oils Act does not apply to diesel fuel, and so far as is known, no additives are used in such fuel.
2. Any products of combustion are potentially dangerous if an engine or furnace is not operating properly, or if the fumes are concentrated into an enclosed space.
3. No, *vide* 2.

MONARTO SOUTH-SEDAN RAILWAY.

The SPEAKER laid on the table the interim report by the Parliamentary Standing Committee on Public Works on the Monarto South-Sedan Railway.

Ordered to be printed.

STUART ROYAL COMMISSION.

Mr. O'HALLORAN—I move—

That the Standing and Sessional Orders and the practice of the House be so far suspended as to enable me to move forthwith the following motion:—

In view of the public disquiet aroused concerning the present position of the Stuart inquiry, in the opinion of this House the Royal Commission should be reconstituted with other Commissioners, both for the protection of persons involved in the terms of reference, and for the protection of the judiciary of this State.

As you well know, Mr. Speaker, I have to move this motion for the suspension of Standing Orders to enable a discussion to take place on the substantive matter outlined in the second part of my motion.

The SPEAKER—The Leader will appreciate that his remarks must be limited to 10 minutes.

Mr. O'HALLORAN—I appreciate that, Sir, and also that they must not transgress by touching on the hearings of or anything connected with the Royal Commission. According to the Standing Orders and practice of the House of Commons, which, of course, this House is guided by, it is not competent to reflect upon certain matters, and this is one of the matters that it is not competent to reflect upon. Therefore, I am not able at this stage to refer to any of the difficulties which have developed concerning the Royal Commission. All I can say, I think, is that the Executive appointed the Royal Commission, selected the panel of Royal Commissioners and provided the terms of reference under which the Royal Commissioners should conduct their inquiry. That this Royal Commission has caused considerable disquiet—I think I may even say grave disquiet—both in Australia and overseas is incontestable.

I desire to refer to remarks, published in the *News* of August 27 last, which were made by eminent jurists overseas. I will not quote their remarks because they impinge on the matter I am not permitted to discuss. They include such men as Sir David Hughes Parry, Director of Advanced Legal Studies and Professor of English Law at the University of London; Lord Birkett, until recently Lord Justice of Appeal; Lord Attlee, a former Prime Minister; Mr. Jo Grimond, Leader of the British Liberal Party . . .

Mr. Lawn—Did you say “Liberal Party”?

Mr. O’HALLORAN—Yes. Other gentlemen were Mr. R. T. Paget, Q.C., M.P., and a spokesman for the Law Society. All these eminent gentlemen have expressed concern about certain matters that I desire to have the opportunity of discussing in this House.

Mr. Lawn—You don’t have to go overseas to get statements like that.

Mr. O’HALLORAN—No, there have also been many comments in Australia. For instance, a very eminent Australian jurist, Sir John Latham, a former Chief Justice of the High Court, has expressed opinions on the matter. We have . . .

Mr. Hambour—The member for Norwood.

Mr. O’HALLORAN—I thank the member for Light for his reminder. I point out that my motion seeks an opportunity for the member for Norwood to express himself in this House this afternoon. If the honourable member desires him to have that opportunity he will certainly vote for the suspension of the Standing Orders.

Eminent lawyers from Queensland, New South Wales and Victoria, and very responsible bodies such as the Australian Council of Trade Unions at its recent bi-ennial conference in Melbourne, have expressed opinions on this matter.

Mr. Clark—And the general public.

Mr. O’HALLORAN—Many organizations and individuals have written or telegraphed me expressing grave concern about this matter. Many of these people have spoken to me personally. I travel fairly extensively in different parts of the State because of my duties as Leader of the Opposition, and also in my own electorate, and I find that people in all walks of life are gravely concerned and desire the position to be cleared up once and for all because all kinds of cross currents are being brought into the argument and this renders it most difficult for the ordinary member of the public to make up his mind what the facts are.

Mr. Shannon—That is what the Royal Commission is going to do.

Mr. O’HALLORAN—The Opposition has one object, and one object only, in seeing that this matter is fully discussed. We desire that the unfortunate man, Stuart, should be proved guilty beyond doubt or his innocence accepted. We desire that some of the aspersions that are unfortunately being cast at the judiciary should be eliminated because we stand for the protection of the judiciary in the ordinary processes of law. We believe in the rule of law.

Mr. Shannon—It is a strange motion then.

Mr. O’HALLORAN—It is not. The honourable member knows as well as I do that I cannot discuss the substance of the motion itself. All I can ask the House to do—and I should think the House would be at least prepared to agree—is to allow the Opposition to present its viewpoint.

Mr. Hambour—You want to try the case.

Mr. O’HALLORAN—I did not say we wanted to try the case and the honourable member would be one of the last I would pick to try any case. It seems to me that the Executive has a responsibility in this matter, and that is why I think Parliament should discuss the matter with a view to advising the Executive; therefore, I submit the motion for the suspension of Standing Orders.

The SPEAKER—Is the motion seconded?

Mr. FRANK WALSH (Edwardstown)—Yes.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—I want to point out—

The SPEAKER—Does the honourable member realize that he is limited to 10 minutes?

The Hon. Sir THOMAS PLAYFORD—Yes, Sir. In concluding his remarks the Leader of the Opposition said that the Executive Council must take responsibility in this matter. I point out right at the outset that the Executive is prepared to take complete responsibility. It has not shirked its responsibility and it proposes to see that the law of the land is upheld, that the proper institutions of the land are maintained, and that we exercise justice according to the law. That is the policy that the Government has always followed. It is the policy that the Government will continue to follow and should the Opposition find at any time that we are not following it I would welcome their immediately moving a vote of no-confidence, and I would not hesitate—

Members interjecting.

The Hon. Sir THOMAS PLAYFORD—The Leader of the Opposition has moved the motion on the ground that there is a good deal of public disquiet on this matter. There is some public disquiet, but is that not to be expected when we had a campaign raging for about a month during which the vilest crimes have been charged against the judges, the police and every one of our institutions? Is it not to be expected when we find an endeavour to introduce mob rule rather than rule by Parliament and rule by the courts? When the Royal Commission is over every honourable member will be satisfied that justice has been done, and that justice appears to have been done.

Mr. Lawn—A dictatorship cannot give effect to justice.

The Hon. Sir THOMAS PLAYFORD—My Government stands for the maintenance of law by the courts and not by a newspaper. We stand by the law as exercised by the courts. The trial of the man Stuart was conducted regularly by a properly constituted court in South Australia. It was the subject of appeals to the Full Court, to the High Court and to the Privy Council, and each of those authorities upheld the original trial. Since that time the Government has had placed in its possession a number of declarations and a very large amount of additional evidence, much of which is in violent conflict, one with the other. Some of the evidence—

The SPEAKER—The Honourable the Treasurer cannot—

Mr. LAWN—Mr. Speaker, on a point of order, the Leader of the Opposition was refused the right to discuss the merits of this case. I want to know why the Leader of the Liberal Party is allowed to get away with it?

The SPEAKER—In reply to the honourable member, I was speaking at the time the Premier was speaking, asking him not to refer to the details of the evidence.

The Hon. Sir THOMAS PLAYFORD—After the trial was over, a number of additional matters were brought to the notice of the Government. The Government has no power to order a retrial. Let me make that clear. The Government has power to refer the matter for consideration by the Full Court. Whether it should go to the Full Court or be dealt with in another way is something we can only know after the facts have been fully sifted. The Government takes full responsibility for the Royal Commission—

Members interjecting.

The Hon. Sir THOMAS PLAYFORD—And I ask the House to reject the motion.

The House divided on the motion for suspension—

Ayes (17).—Messrs. Bywaters, Clark, Corcoran, Dunstan, Hughes, Hutchens, Jennings, Lawn, Loveday, McKee, O'Halloran (teller), Quirke, Ralston, Riches, Ryan, Tapping, and Frank Walsh.

Noes (19).—Messrs. Bockelberg, Brookman, Coumbe, Dunnage, Hall, Hambour, Harding, Heaslip, Hincks, Jenkins, King, Laucke, Millhouse, Nankivell, Pattinson, Pearson, Sir Thomas Playford (teller), Mr. Shannon, and Mrs. Steele.

Majority of 2 for the Noes.

Motion thus negatived.

Mr. O'HALLORAN—May I at this moment direct a question to you, Mr. Speaker, regarding future procedure?

The SPEAKER—I think it would be out of order.

Mr. O'HALLORAN—The Premier said that he would give me an opportunity to move a motion of no-confidence and, according to Erskine May, the usual practice of Governments in British Commonwealth countries is to grant time to discuss these motions once they are moved by the Opposition. Could I have time to discuss such a motion tomorrow? Perhaps the question should be directed to the Premier.

The SPEAKER—The Leader certainly cannot move a motion at present.

Mr. Dunstan—We are simply asking whether the Government will give us time for a censure motion tomorrow.

Mr. O'HALLORAN—As a matter of personal explanation, I think it is due to me as Leader of the Opposition—

The SPEAKER—That the honourable member have leave to make a personal explanation. Leave granted.

Mr. O'HALLORAN—Will the Premier state what the Government's attitude will be if I, as Leader of the Opposition, move a censure motion tomorrow? Will he give us time to discuss the matter?

The Hon. Sir THOMAS PLAYFORD—I am always prepared to oblige the Leader and if he likes to move a suspension motion today I shall be very happy for him to do so. I have no objection to that. I would object to his bringing our courts into a censure motion

because that would be contrary to Standing Orders, but if he desires to move the suspension of Standing Orders to move a motion of no-confidence I will not oppose it.

Mr. O'Halloran—I cannot do that now.

The Hon. Sir THOMAS PLAYFORD—If the Leader desires to do it tomorrow I shall have no objection.

Mr. DUNSTAN—On a point of order, Mr. Speaker: is it not the case that on a substantive motion of censure any matter may be discussed by this House, including all matters before a Royal Commission? Is not that the practice of the House of Commons?

The SPEAKER—My ruling is that a matter that is *sub judice* cannot be discussed.

Mr. SHANNON—On a point of order, Mr. Speaker: the House has just reached a decision by a vote on a certain matter. Can that be raised again this session?

Mr. Lawn—This is a no-confidence motion against the Government.

The SPEAKER—I do not think a point of order is involved in the honourable member's question.

Mr. DUNSTAN—I ask for your further ruling, Mr. Speaker. Is it not the case that a matter before a Royal Commission is not in fact *sub judice*?

The SPEAKER—That is not a point of order.

Mr. DUNSTAN—I ask for a further explanation of the ruling you gave a moment ago.

The SPEAKER—The honourable member is not speaking to a point of order.

Mr. DUNSTAN—I am asking for a clarification of your ruling on a point of order.

The SPEAKER—I have given a ruling to the honourable member for Norwood and I am

not bound to make any explanation. I am here to give rulings.

Mr. DUNSTAN—Mr. Speaker, in that case I move that your ruling be disagreed with.

The SPEAKER—The honourable member for Norwood raised a question earlier on a point of order, and I gave a ruling. He then proceeded to ask another question and I ruled it was not a point of order. I have given my ruling. Now he wishes to move that the ruling be disagreed with. I say he is out of order in moving that and that he should have taken that stand as soon as my ruling was given.

Mr. DUNSTAN—I asked for an explanation of your ruling.

The SPEAKER—Order! I pointed out that the Chair is not obliged to give an explanation.

Mr. DUNSTAN—No, Sir, I accepted that and moved disagreement with your ruling. That was the first opportunity I had of doing so.

LAND SETTLEMENT ACT AMENDMENT BILL.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL.

Bill read a third time and passed.

ELECTORAL ACT AMENDMENT BILL.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Bill read a third time and passed.

HONEY MARKETING ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 2.54 p.m. the House adjourned until Wednesday, September 2, at 2 p.m.